S Gladwin
Chief Executive
Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0230**) which was valid on the 7 April 2021 for permission for **Change of use from place of worship (F1) and dwelling house (C3), to mixed use development including: provision of education (F1(a)), community hall (F2(b)), base for travelling theatre company, rehearsal and performance space (Sui Generis), dwelling (C3), together with alterations, renovations and repairs and associated landscape works, including rebuilding a stone outbuilding, and erection of an ancillary timber building at Chapel Cottage Main Road Lea.**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this permission:

   Drawing A20 - 026 100 - location plan

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Drawing A20 - 026 101 Revision F - Proposed site plan (received on 20/10/2023)

Drawing A20 - 026 102 Revision D - Proposed ground floor plan (received on 20/10/2023)

Drawing A20 - 026 103 Revision E - Proposed first floor plan (received on 20/10/2023)

Drawing A20 - 026 104 Revision B - Proposed elevations sheet 1 (received on 20/10/2023)

Drawing A20 - 026 105 Revision A - Proposed elevations sheet 2 (received on 20/10/2023)

Drawing A20 - 026 106 Revision B - proposed outbuilding plans and elevations (received on 07/11/2023)

Bat Activity Survey (09/09/2022)

Proposed scheme of acoustic insulation for Lea Chapel (received 12/06/2024)

Reason: In order to define the permission.

3. The premises shall be used for the following mix of uses:

Use class F1(a) (Learning and non-residential institutions)
Use Class F2(b) community hall and meeting place
Use class C3 dwelling
Sui generis - base for travelling theatre company, rehearsal and performance space

The premises shall be used for no other purpose (including any other purpose in Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). No part of the site shall be made available for private hire that would include the use of amplified sound or percussion instruments.

Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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4. Hours of operation

Public and professional use of the former Chapel and first-floor gallery is permitted only between the following times:

09:00-22:00hrs a maximum of twice per week; and

between 08:00-20:00hrs during the other days.

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. Rehearsal/Performance Noise

The former Chapel room and first-floor gallery shall be acoustically insulated against break-out noise in accordance with the details of a scheme of acoustic insulation for Lea Chapel submitted to the Local Planning Authority on 12.06.2024. The acoustic insulation scheme shall be implemented in full prior to the use of amplified or percussive sound and shall be retained (or replaced with a similar level of acoustic insulation) for the lifetime of the development.

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Note
The applicant is advised that as the proposal relates to a listed building it will also be necessary for the works to implement the scheme of acoustic insulation to meet the relevant conditions associated with works to the listed building consent.

6. Sound system

Before use of the development commences, (other than the use of the dwelling), a noise mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing the measures taken to ensure that the loudness and character of amplified and percussive sound associated with the permitted activities do not have a detrimental impact on the living and working conditions of people in the vicinity. The approved scheme shall be implemented and maintained thereafter.

If, in the opinion of the Local Planning Authority, significant complaint of noise from the permitted activities is received, the operator shall, at their own expense, investigate and take such steps as are reasonably practicable to reduce noise emissions. Details

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of the investigation and proposed works shall be submitted to, and approved in writing by, the Local Planning Authority prior to implementation. The approved works shall be implemented and retained as such for the lifetime of the development.

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. Air source heat pump & Solar panel battery

Before any external fixed plant associated with the proposed air source heat pump or solar panels is installed on the premises, detailed information regarding its acoustic performance, operating hours and location shall be submitted to, and approved in writing by, the Local Planning Authority.

If required by the Local Planning Authority following installation, an assessment of noise emissions in-situ shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the emissions agreed prior to installation have been achieved.

If at any time requested by the Local Planning Authority, such plant shall be enclosed with sound insulating material and/or mounted in a way which will minimise the emission or transmission of sound in accordance with a scheme to be first approved in writing by the Local Planning Authority. The insulation / revised mounting shall then be maintained in perpetuity.

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the submitted details prior to the installation of the items listed below, large scale details of each of the listed items shall be submitted to and approved in writing by the Local Planning Authority. Large scale details to be at 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate.

- External lighting;
- Staircase;
- Rainwater goods;
- Gallery stud and glass partition details;
- Gallery enclosure of stair details;
- Underfloor heating;
- Fire escape details;
- New external windows and doors.

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The works shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of the preservation of the listed building and its setting in accordance with saved policy EN24 and Part 16 of the NPPF.

9. Notwithstanding the submitted details, prior to the installation of the items listed below in association with the scheme of acoustic insulation, large scale details of each of the listed items shall be submitted to and approved in writing by the Local Planning Authority. Large scale details to be at 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate:

- Gallery stud and glass partition details
- Central Doors to Partition
- Existing gallery stair railings
- Double Acoustic Secondary glazing in wooden frames
- Existing exterior doors

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to installation, (notwithstanding the details on Drawing 104 Revision B - proposed elevations sheet 1 (20/10/2023)) details of the solar panels shall be submitted and approved in writing by the Local Planning Authority. When no longer needed the solar PV panels shall be removed as soon as reasonably practicable.

Reason: In the interests of visual amenity and to protect and preserve the setting of the listed building and character and appearance of the Conservation Area in accordance with saved policies LS3, EN24, EN27 and EN29.

11. Notwithstanding the details shown on the approved plans, prior to the tech box in the former chapel gallery being brought into use, the first-floor windows to the west facing elevation of the building shall be fitted with obscured glazing (non see through). Such work shall be completed prior to the commencement of use of the tech box and maintained as such thereafter.

Notwithstanding the details shown on the approved plans, the lower non-opening sections of the ground floor window (Sunday School room) to the west facing elevation of the building shall be maintained with obscured glazing (non see through) for the lifetime of the development.

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Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies EN16 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding notes on Drawing 101 Revision F proposed site plan (20/10/2023), prior to the commencement of work on the stone outbuilding, a method statement for the rebuilding / repair of the existing outbuilding shall be submitted and approved in writing by the Local Planning Authority.

    This method statement shall specifically set out repair details of the stone walling and roofing materials for the proposed works. The development shall be carried out using approved materials. Samples shall be provided on site for approval, as required, by the Local Planning Authority. A sample panel of the stone walling to be used shall also be erected on the site and shall illustrate the colour, texture and bonding of masonry; the mortar specification to be used; and, shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved samples.

    Reason: In the interests of the preservation of the listed building and its setting in accordance with saved policy EN24 and Part 16 of the NPPF.

13. Parking provision at the site shall be for the benefit of the residents of Chapel Cottage, and in association with the theatre business based at the premises only.

    There shall be no parking at any time within the application site by any visiting members of the public for purpose of attending any performance, exhibition, educational class, or other activity.

    Reason: In the interests of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

14. Prior to commencement of the construction of the timber outbuilding a landscaping plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of replacement planting (native trees and shrubs). The landscaping scheme shall be implemented in full in the first planting season following completion of the buildings works in accordance with the approved details.

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Reason: To mitigate the loss of trees and the site and ensure the satisfactory overall appearance of the completed development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to commencement of the construction of the timber outbuilding details of a biodiversity enhancement plan shall be submitted to and agreed in writing by the local Planning Authority. The Plan shall include, as a minimum, the installation of one external Bat Box and one external Swift Brick, to be installed in a suitable location on site. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in-situ submitted to the Local Planning Authority.

    Reason: In the interests of securing biodiversity enhancements in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

16. The timber outbuilding hereby approved shall only be used as an ancillary building to the dwelling and associated uses at the site, and shall not be severed and used as an independent and unconnected unit of accommodation.

    Reason: For the avoidance of doubt.

17. The change of use of the premises hereby approved is for a mixed-use scheme. The dwelling shall only be used in association with the attached chapel building. The dwelling shall not be severed from the chapel building and used as an independent and unconnected unit of accommodation.

    Reason: For the avoidance of doubt.

Notes

Attention is drawn to the attached notes:

1 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.

More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).

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2 Breeding birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented
and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

3 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or
destroy the nest of any wild bird while that nest is in use or being built.

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

LS1 - Sustainability criteria
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
H4 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN13 - Nature Conservation
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN25 - Conservation Areas
EN26 - Conservation Areas
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
EN36 - Renewable Energy
LC7 - Arts and Cultural Facilities

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LC11 - Community Facilities

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should**

be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.